

3 FAM 2130

REEMPLOYMENT UNDER SECTION 308 OF THE FOREIGN SERVICE ACT

(CT:PER-632; 12-30-2010)
(Office of Origin: HR/REE)

3 FAM 2131 REAPPOINTMENT OF FOREIGN SERVICE GENERALISTS AND SPECIALISTS

3 FAM 2131.1 General Policy

(CT:PER-632; 12-30-2010)
(State Only)
(Applies to Foreign Service Employees Only)

Pursuant to authority delegated under section 308(b) of the Foreign Service Act of 1980, as amended, the Director of the Office of Recruitment, Examination and Employment in the Bureau of Human Resources, oversees the reappointment of former career members of the Foreign Service whenever reappointment meets the needs of the Foreign Service. Former career members of the Service may be reappointed to a salary class, which is appropriate in light of the qualifications and experience of the individual being reappointed. *All reappointments will be counted as regular hires against the appropriate generalist or specialist skill group hiring targets in the Foreign Service hiring plan.* The reappointment of any such person shall be governed by the following requirements:

- (1) On the date of application, such *candidate* shall be a citizen of the United States;
- (2) No *candidate* will be considered who has previously been separated from the Foreign Service under sections 607 (*Retirement for Expiration of Time-in-Class*), 608 (*Retirement Based on Relative Performance*), 610 (*Separation for Cause*), or 612 (*Termination of Limited Appointment*) of the Foreign Service Act of 1980, as amended, or who resigned or retired in lieu of separation under these provisions;
- (3) In addition, no *candidate* will be considered who has previously been separated for failure to receive a career appointment under Section 306 of the Foreign Service Act of 1980, as amended, or who resigned or retired in lieu thereof;

- (4) Generalists separated pursuant to these provisions may not be reappointed to the Foreign Service even on the basis of candidacies initiated by re-passing the Foreign Service written examination or through consideration under an alternative entry program, although they may apply for appointment as a specialist;
- (5) Specialists separated pursuant to these provisions may not re-apply to be a Foreign Service specialist in the same skill code, but may apply for another skill code (or to be a Foreign Service generalist). In examining an application for reappointment, HR/REE shall certify an existing Service need for officers and specialists in the career track or skill code at the grade for which they are qualified to be reappointed;
- (6) *Candidates must accept the State Department's policy on worldwide availability for Foreign Service generalist and specialist officers;*
- (7) *Candidates must accept a directed first assignment upon reappointment; candidates who decline a directed assignment will have their application terminated and will not be eligible to apply again for reappointment;*
- (8) *There must be an existing Service need for generalists or specialists in the career track or specialty and for which the candidate applies;*
- (9) *In the absence of substantial additional skills or experience relevant to the Foreign Service career track or specialty of the applicant, which has been acquired after separation, such reappointment will be at the class and in the career track/specialty of the former member at the time he or she separated from the Foreign Service;*
- (10) *Candidates for reappointment will be held to the same professional requirements as new candidates for Foreign Service positions. Therefore, prior experience cannot be substituted for minimum professional requirements; for example, if a degree or certification is required for a specific specialty;*
- (11) *Because recent familiarity with the Foreign Service is a valuable asset that distinguishes former members from new hires, candidates for reappointment may be considered if they have left the Service not longer than 5 years prior to the date on their reappointment request; and*
- (12) *Because familiarity with the Department of State is also an asset in Foreign Service employees, candidates for reappointment who have been serving in the Department in a Civil Service capacity may be considered for an additional 3 years beyond the 5-year window, if their reappointment would advance the needs of the Service.*

3 FAM 2131.2 Exceptions

(CT:PER-632; 12-30-2010)

(State Only)

(Applies to Foreign Service Employees Only)

3 FAM 2131.1, subparagraph (2), shall not apply where one of the following has been determined:

- (1) By the Foreign Service Grievance Board under 3 FAM 4400, or by the Director General of the Foreign Service and Director of Human Resources, or delegate, that reappointment is an appropriate means to remedy a wrongful separation, including those employees who retired or resigned in lieu of the separation;
- (2) By the Director General of the Foreign Service and Director of Human Resources or delegate that reappointment is an appropriate means to settle a grievance or complaint on a mutually satisfactory basis; or
- (3) That reappointment is ordered as a remedy in an administrative or judicial proceeding.

3 FAM 2132 RECALL OF FOREIGN SERVICE GENERALISTS AND SPECIALISTS

(CT:PER-632; 12-30-2010)

(State Only)

(Applies to Foreign Service Employees Only)

- a. Pursuant to authority delegated under section **308(a)** of the Foreign Service Act of 1980, as amended, the Director General of the Foreign Service and Director of Human Resources may recall any retired career member of the Service for active duty whenever he or she determines that the needs of the Service so require.
- b. A retired career member may be recalled to any appropriate salary class or rate, except that a retired career member of the Senior Foreign Service may not be recalled to a salary class higher than the one in which the member was serving at the time of retirement unless appointed to such higher class by the President, by and with the advice and consent of the Senate.
- c. Any annuitant recalled under this section shall be entitled to the salary of the class in which serving and not to an annuity under the Foreign Service Retirement and Disability System or the Foreign Service Pension System. During recall service, the recalled member of the Service shall make employee contributions to the Foreign Service Retirement and

Disability Fund in accordance with the relevant provisions of the Act as determined by HR/RET. Retirement benefits after termination of recall service shall be determined by HR/RET in accordance with section 823 of the Act.

3 FAM 2133 THROUGH 2139 UNASSIGNED